

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No.:

KEVIN P. FARRELL a/k/a KEVIN FARELL
16 WILSON PKWY
LOCKPORT, NEW YORK 14094,

Defendant.

COMPLAINT

The United States of America, by its attorneys, William J. Hochul, Jr., United States Attorney for the Western District of New York, and Kevin D. Robinson, Assistant United States Attorney, on behalf of its agency, the U.S. Department of Education (“DOE”), alleges the following:

1. This is a civil action brought by the Plaintiff, the United States of America (the “United States”), on behalf of its agency, DOE, to recover payments due and unpaid on a student loan insured by the DOE under the William D. Ford Federal Direct Loan Program under Title IV, Part D of the Higher Education Act of 1965 (the “Act”), as amended, 20 U.S.C. § 1087, et seq. (34 C.F.R. Part 685).

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1345.

3. Venue is proper in the Western District of New York pursuant to 28 U.S.C. §1391(b)(2) in that defendant, KEVIN P. FARRELL a/k/a KEVIN FARELL, is a

natural person over the age of twenty-one years who resides at 16 Wilson Parkway, Lockport, New York 14094, within the jurisdiction of this Court.

4. Defendant entered into the Promissory Note attached hereto as Exhibit “A”.

5. Defendant has defaulted in making the payments due under the aforesaid Note.

6. Defendant is now indebted to the Plaintiff in the total amount of \$275,996.96, by reason of the assignment to the United States of the defaulted Promissory Note insured by the United States Department of Education under the Act, as more particularly described in the Certificate of Indebtedness, a copy of which is attached as Exhibit “B”.

7. Defendant has failed to pay the aforesaid amount although demand has been duly made for payment.

WHEREFORE, the United States demands judgment against the Defendant, Kevin P. Farrell a/k/a Kevin Farell, as follows:

- a. In the amount of \$275,996.96, which includes the principal amount of \$185,932.89 and interest in the amount of \$90,064.07 through July 25, 2014, pre-judgment interest on the principal to accrue at the rate of 8.25% per

- annum (\$42.00 per diem) to the date of judgment;
- b. Post-judgment interest at the legal rate in effect as of the date of entry of the Judgment until paid in full;
 - c. Court filing fees allowed pursuant to 28 U.S.C. § 2412(a)(2);
 - d. Costs of suit; and
 - e. For such other and further relief as the Court deems proper.

Dated: April 27, 2015
Buffalo, New York

WILLIAM J. HOCHUL, JR.
United States Attorney

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